Department of Defense Homosexual Conduct Policy

Don’t Ask

Don’t Tell

Don’t Harass/Pursue

Background

- Harassment of and Violence against homosexuals problematic both in and outside of the military.
  - Barry Winchell, Ft. Campbell, Kentucky 5 July 1999
  - Matthew Shepard , Wyoming, October 6, 1998

Background

- 10 USC 654 states:
  - Long standing prohibition against homosexual conduct in military.
  - Prohibition is still necessary
  - Persons who engage in homosexual acts create unacceptable risk to morale, good order and discipline

Background

- Homosexual Conduct Policy upheld by the courts:
  - Watson v Perry, 124 F3d 1126 (1996)
  - Able v U.S., 155 F3d 628 (1998)

Background

- Treating soldiers with respect is a bedrock value for the Army.
- There is no room for harassment or threats to any soldier for any reason.
- Harassment of soldiers for any reason, to include perceived sexual orientation, will not be tolerated.

» **GEN Shinseki**

Background

- January 2000, DoD directed that all members of the United States military receive refresher training on the homosexual conduct policy.
- Training sets basic “Don’t Ask, Don’t Tell” policy and adds new emphasis on “Don’t Harass” or “Don’t Pursue”